

Remarks

The examiner's reconsideration of the application is requested in view of the amendments above and comments which follow.

Turning first to the claim objections identified in numbered section 6, the two misspellings have been corrected, and the English spellings throughout the claims have been corrected to American spellings.

The examiner has not maintained any of the previous prior art related objections to the claims, but has instead rejected the current claims on the grounds that they supposedly are anticipated by or are obvious over the two newly cited prior art references, US 5798514 (Domanik) and US 3757299 (Perry). Reconsideration is requested.

Domanik shows a circular bar code on AST devices. There is, however, no mention of any numeral or letter code printed on the discs in addition to the bar codes, nor (judging by Figures 1 and 2) would there appear to be any sufficient space for such codes to be added (and to remain readable to a user).

Column 1 lines 47-53 of Domanik provides a discussion of problems of printing identifying characters on 6mm diameter discs, and of automatically reading randomly orientated codes.

The solution taught by Domanik is to replace the character codes with a circular bar code. Domanik therefore not only fails to disclose an AST disc having a code of one or more letters and one or more numerals (a feature of claim 1 of the present application), but also positively discourages the addressee from providing such a code on a disc.

In this connection, it is noted that the Examiner argues that column 2 lines 19 - 22 of Domanik discloses a code of one or more letters and/or numerals. Those lines however refer to a

code which provides identity and concentration information for the antibiotic. The code is not qualified as being a letter/numeral code, and it is in any case abundantly clear that the code is a bar code, which has been discussed earlier in Domanik and which replaces any letter/numeral code.

It is also pointed out that the bar code shown in Domanik is circular, and does not therefore have to be orientated in order to determine an optimal reading direction. The code does include an index mark for defining the start of the bar code. However, the reading direction is always circular and will be unaffected by the orientation of the code. Furthermore, column 1 lines 50-51 of Domanik states that each tooth (40) defines a radial position at which information is encoded. Thus even if the teeth (40) do constitute orientation markings, an assertion which the applicants do not accept for the reasons stated above, they would nevertheless not be separate from the code.

It therefore appears that claim 1 is both novel and nonobvious in view of Domanik.

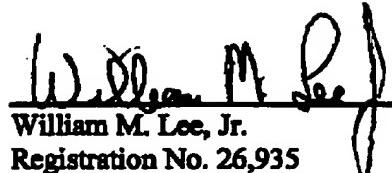
The Examiner has rejected claims 12 and 18 in the light of a combination of Domanik and Perry. However, since Domanik does not show an AST disc having a code formed from letters and/or numerals, it cannot be seen how a system formed by combining the teachings of Domanik and Perry could possibly be capable of reading the letters/numeral codes of AST discs in accordance with claim 1 (a requirement for the system an analyzer of claims 12 and 18 respectively).

It is therefore submitted that the application is in condition for allowance, and the examiner's further and favorable reconsideration in that regard is urged. However, should any matters remain for consideration, or should the examiner disagree with the position taken by the applicants, before a further action is issued, a telephone interview with the examiner is requested, and the examiner is urged to contact the undersigned for that interview..

Further action by the examiner is awaited.

July 2, 2004

Respectfully submitted,



William M. Lee, Jr.
Registration No. 26,935
Barnes & Thornburg
P.O. Box 2786
Chicago, Illinois 60690-2786
(312) 368-6620
(312) 368-0034 (fax)